



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.15483 of 2020

1.Muthiah

2.Pandi

... Petitioners/Accused Nos.A1 & A2

Vs

The State rep.by
The Inspector of Police,
Sindupatty Police Station,
Madurai District.

Crime No. 907 of 2020.

... Respondent/Complainant

For Petitioners : M/s.R.Sundar,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.907 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 and A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 448, 506(i) I.P.C and Section 4 of Tamil Nadu Prohibition of Charging of Exorbitant Interest Act (TNCEI Act, 2003), in Crime No.907 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a hand loan from the first petitioner Rs.2,50,000/- and from the second petitioner Rs.1,50,000/- and repaid the same Rs.3,15,000/- and Rs.1,90,000/- with interest respectively. At that time of repaid the petitioners / accused were told they were to the pronotes of the defacto complainant which was executed at the



time of money borrowed and the accused insisted to execute sale deed of defacto complainant's house in their favour. Further, they restrained the defcto complainant's agricultural works and scolded with dire consequences. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioners.

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3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that due to money dispute, the petitioners harassed the defacto complainant using filthy language and scolded with dire consequences.

6. Considering the facts and circumstances of the case and also considering the fact that due to family dispute, the occurrence said to have taken place and injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail, subject to the following conditions.

[a] the petitioners shall hand over all the original pro-notes, which was obtained at the time of borrowal of loan, to the defacto complainant.

[b] On such deposit being made, the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam, Madurai District.

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[d] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not abscond either during investigation or trial.



[f]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/12/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT.
- 2.-DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SINDUPATTY POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15483 of 2020
Date :22/12/2020

Ls
AE/JM/SAR-II (29.12.2020) 3P / 5C

<https://hcservices.ecourts.gov.in/hcservices/>